CF-2001

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION (C) NO. /2006

PETITIONERS :

1. Jagdish Chandravanshi S/o Shri Jagat Ram Chandravanshi, aged about 46 Years, Member, Janpad Panchayat Pandariya, resident Of Village Parswara, Tehsil Pandariya, District Kabirdham, Chhattisgarh

2. Paras Bangani S/o Amar Chand Bangani, aged about 46 years, Vice-President Janpad Panchayat, Pandariya, resident of Mohtra Kurd, Tehsil Pandariya, Dstrict Kabirdham, Chhattisgarh

P.R. No. 4484/06
Presented by Shri A.P. Khan
dated 17/8/06

VERSUS

RESPONDENTS :

1. State of Chhattisgarh
   (a) Through the Secretary Department of Panchayat and Rural Development, D.K.S. Bhawan, Mantralaya, Raipur Chhattisgarh

   (b) Through the Secretary Finance and Project Department, D.K.S. Bhawan, Mantralaya, Raipur, Chhattisgarh

2. Collector Being the Prescribed Authority District Kabirdham Chhattisgarh

3. Chief Executive Officer Janpad Panchayat Pandariya Tehsil Pandariya, District Kabirdham, Chhattisgarh

4. Shri Harikrishna Joshi Chief Executive Officer Janpad Panchayat Pandariya Tehsil Pandariya, District Kabirdham, Chhattisgarh

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(2)

(9)

WRIT BETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT IN THE NATURE OF MANDAMUS, CERTIORARI AND FOR ISSUANCE OF OTHER SUITABLE WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS

XI-HC-22

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ...WP(C)4438/06... **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

18.09.2006

Shri Amrito Das, Counsel for the petitioners.

Shri Satish Gupta, Dy. Govt. Advocate for the State/respondent No.1 (a), (b) and respondent No.2.

Shri Pankaj Shrivastava, Counsel for respondents No.3 & 4.

Heard.

The petitioners, who are the Member and Vice President of Janpad Panchayat, Pandariya, District – Kabirdham (C.G.), have challenged the legality and propriety of that part of the resolution dated 21/7/2006 (Annexure P-15), whereby, the said Janpad Panchayat has taken a decision for taking steps regarding filling up of the vacancies of Shikshakarmi Grade-III, which has fallen vacant on account of promotions made from Shikshakarmi Grade-III to Shikshakarmi Grade-II.

Learned counsel for the petitioners submits that certain vacancies of Shikshakarmi Grade-III have fallen vacant in the aforesaid Janpad Panchayat, but the same cannot be filled in by the Janpad Panchayat on account of a clear mandatory prohibition issued by the Panchayat and Rural Development Department vide its memo dated 6/6/2006 filed as Annexure P-12. He further submits that it has been stated in the said memo that the posts of Shikshakarmi Grade-III, which are lying vacant on account of promotions shall not be filled in as the restrictions of the Government in this regard are still in operation. His submission is that the action taken by the Janpad Panchayat after the aforesaid

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित 2	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

prohibition is not in accordance with law and the resolution to the said effect should be struck down.

Shri Pankaj Shrivastava, learned counsel appearing on behalf of respondents No.3 & 4 makes statement and gives oral undertaking that "the said Janpad Panchayat is not going to fill the posts shown vacant in view of the restrictions imposed by the Government contained in memo dated 6/6/2006." His submission is that in view of this undertaking given by him in this matter, this petition may be disposed of at this stage as the reliefs claimed by the petitioners are satisfied by the said undertaking given by him on behalf of respondents No.3 & 4.

In view of the above undertaking given on behalf of respondents No. 3 & 4 by Shri Pankaj Shrivastava, Advocate, I am of the opinion that the grievance raised by the petitioners in this Writ Petition stands redressed and there is no necessity of further prosecuting this petition.

On the said undertaking that on the basis of the impugned resolution, the respondents No.3 & 4 are not going to take further steps for filling up the vacancies in view of the prohibition imposed by the Government vide memo dated 6/6/2006, the petition is disposed of at this stage. However, the respondents No.3 & 4 shall be free to take appropriate steps if the prohibition in this regard imposed by the Government is uplifted in due course of time.

With the aforesaid observations, the petition stands finally disposed of on above terms.

Sd/-
Sunil Kumar Sinha
Judge

21/9/10